

REMARKS/ARGUMENTS

Applicant graciously appreciates the Office's attention to the instant application. Applicant currently amends claims 1-6 and 8-19. For purposes of expediting prosecution, Applicant cancels claim 7. Hence, claims 1-6 and 8-19 are pending.

Amendments to the Drawings

As mentioned above, replacement sheets are attached hereto for the drawings to address informalities noted in the Office Action of October 11, 2007.

Amendments to the Specification

As mentioned above, a substitute specification is attached hereto to address informalities noted in the Office Action of October 11, 2007.

Amendments to the Claims: Objections

Claims 1-6:

Applicant amends claims 1-6 to address informalities noted in the Office Action of October 11, 2007. Specifically, Applicant inserts an indefinite article in the preamble to claim 1 and the definite article in the preamble to claims 2-6. Other aspects of pending claims 1-6 are discussed with respect to the rejections below.

Claims 8-19:

Applicant also amends claims 8-19 to overcome multiple dependency issues that were not explicitly noted by the Office (the OA indicates that claims 8-19 are withdrawn in box 4).

Rejections of Claims

The Office Action of October 11, 2007 states the following rejections:

- a) Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Frister (Patent Number 4,253,031);
- 5 b) Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art Allen et al. (Patent Number 6,449,950 B1 or WO 02/23047 A1); and
- c) Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Oda et al. (Patent Number 5,121,605 or EP 0 338 147 A1).
- 10 Applicant notes that claim 6 is not listed as being rejected and that reasons for rejection of claim 6 are not provided in the Detailed Action.

Frister Reference

Fig. 1 of the Frister reference, reproduced in the Office Action, shows
15 electric motor components positioned between a turbine-side bearing 5 and a compressor-side bearing 4 (col. 3, lines 50-54). Hence, the housing portions 12 and 13 that encase the electric motor components must also support bearings 4 and 5, respectively. These are the only bearings for support of the shaft 6, hence the assembly absolutely requires the housing portions 12 and 13.

20 Further, the housing portions 12 and 13 are not directly connected to each other. Instead, the armature core formed of the lamellae 11b is an intermediate electrical component that connects the housing portions 12 and 13 (see Fig. 1 and col. 3, lines 54-56). Thus, the housing portions 12 and 13 do not "encapsulate" the electric motor components as there is a gap between
25 these two portions. In other words, the housing portions 12 and 13 do not encapsulate the electric motor components as the gap exposes the lamellae 11b.

Figs. 2 and 3 of the Fisher reference show electric motor components positioned directly adjacent a compressor wheel 3. In Figs. 2 and 3, the electric
30 motor components are not encapsulated in a cartridge. Instead, rotor 9a is

located immediately adjacent the compressor wheel 3 and secured to it (col. 4, lines 35-38). Hence, the rotor 9a rotates with rotation of the compressor wheel 3.

5 Allen Reference

Fig. 1 of the Allen reference shows electric motor components positioned directly adjacent a compressor wheel. These components are positioned between components 16 and 20. These components form part of the exterior of the turbocharger, i.e., they do not form a cartridge for insertion into housing of a turbocharger. Further, the component 16 does not include a portion to separate the stator from a compressor wheel. In other words, the compressor wheel is directly adjacent the stator 82 and the stator 82 is therefore not encapsulated by the components 16 and 20.

15 Oda Reference

Fig. 20 of the Oda reference shows a plate 71 that separates electric motor components from a compressor supports a bearing 72 for a compressor wheel. In Fig. 20, the plate 71 attaches to a cylindrical housing (not labeled), which, in turn, attaches to a center housing component 64. The electric motor components are housed between the plate 71 and the component 64. Component 64 is part of a center housing with lubricant feed to the bearings 60a and 60b. For the following reasons, the Oda reference does not disclose, teach or suggest encapsulating electric motor components in an assembled cartridge

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Claim 1

Applicant currently amends independent claim 1 to recite, in part:

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the cartridge housing portions (2, 3) being coupled together so as to assemble the electric motor cartridge (1) by radially and axially positioning encapsulating a stator (4) there between,

wherein each cartridge housing portion (2, 3) has a semi-shell shape substantially comprised by a bottom portion (5, 6) and a cylindrical wall portion (7, 8),

wherein at least one of the cylindrical wall portions (7, 8) forms a contact (14, 15) upon insertion of the assembled electric motor cartridge (1) in a housing,

wherein one of the bottom portions (6) forms part of a fixed encapsulation barrier between the stator (4) and a compressor wheel to be driven by the assembled electric motor cartridge (1).

Applicant submits that none of the references provide evidence to disclose, suggest or teach the subject matter of claim 1 as currently amended.

With respect to the term "encapsulating", Applicant directs the Office to page 6, lines 25-34, where the "concept of having a cartridge for the electric motor to be assembled to the turbocharger or EDC type compressor provides an encapsulation of the electric motor that protects it from oil and water" (emphasis added). Applicant notes that the term "encapsulating" is now associated with the adjectives "radially" and "axially". Hence, the cartridge radially and axially encapsulates a stator.

Applicant also refers the Office to page 9, lines 16-19 of the instant application: "Thus, as described above, the electric motor cartridge is assembled without being mounted to the turbocharger. That means, the electric motor cartridge can be produced in a separate process for being mounted later to the turbocharger."

Frister Rejection of Claim 1

As discussed above, the housing portions 12 and 13 of the Frister reference do not couple together, instead an electric motor component (lamellae 11b) couples these portions. As such, the housing portions 12 and 13 do not radially and axially encapsulate a stator there between.

In contrast, claim 1 recites an assembled cartridge formed by two portions that radially and axially encapsulate a stator there between as shown in Fig. 1 of the instant application. Further, claim 1 recites that the assembled

cartridge is configured for insertion into a housing (see housing 31 of Fig. 1 of the instant application). In contrast, the housing portions 12 and 13 of the Frister reference are part of a housing. The Frister reference provides insufficient evidence to teach or suggest an assembled cartridge for electrical
5 motor components – particularly, an assembled cartridge that can be a standalone assembly.

Allen Rejection of Claim 1

As discussed above, the Allen reference does not encapsulate electric
10 motor components as the stator is exposed to the compressor wheel.

Oda Rejections

As discussed above, the Oda reference does not disclose, teach or suggest encapsulating electric motor components in an assembled cartridge.
15 Instead, the Oda reference discloses assembly of various turbocharger components where electric motor components are, after assembly, housed by these turbocharger components.

Claims 2-6 and 8-19

20 To expedite prosecution, Applicant has currently amended independent claim 1. Applicant submits that claims 2-6 and 8-19 depend on claim 1 and that for at least this reason, claims 2-6 and 8-19 are not anticipated and patentable over the cited references.

25 Conclusion

Pending claims 1-6 and 8-19 are believed to be in condition for allowance. Applicant respectfully requests entry of this Amendment, reconsideration of the Office's telephonically communicated position and prompt issuance of the present application. Should any issue remain that

prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

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Dated:

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A handwritten signature in black ink, appearing to read 'BPangrle', is written over a horizontal line.

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